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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,751	09/19/2001	Virind S. Gujral	ARIBP037	9479
21912 7590 09/22/2009 VAN PELT, YI & JAMES LLP 10050 N. FOOTHILL BLVD #200 CUPERTINO, CA 95014				
EXAMINER LIU, I JUNG				
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3694				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/955,751

**Applicant(s)**

GUJRAL ET AL.

**Examiner**

MARISSA LIU

**Art Unit**

3694

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 13-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of Group I: claims 1-12 in the reply filed on June 5, 2009 is acknowledged.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-5, 9 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable by Ausubel, U.S. Patent Number: 6,026,383, in view of Takeshi: Patent Number JP 408079240A, further in view of Centner et al, US Publication Number: 2002/0007324 A1.
3. As per claim 1, Ausubel teaches a method of conducting an auction among a plurality of bidders, wherein each of said plurality of bidders competing for a lot to be auctioned by an auction requester, said method comprising:  
  
allowing each bidder to place a respective bid for each of a plurality of bid parameters established for said lot (see column 1, lines 53-57), wherein:  
  
said plurality of bid parameters includes a price parameter and at least one non-price parameter (see column 4, lines 21-29); and

making bids received from each said bidder for said price and said non-price parameters available to said auction requester in real-time (column 2, lines 31-35, 61-67, column 3, lines 28-40, column 4, lines 21-29, where “specified objects” is equivalent of “non-price parameter”).

Ausubel does not teach:

said at least one non-price parameter includes a term of agreement regarding supply of a good and/or service, other than quantity of the good and/or service, between the auction requester and a given bidder that the auction requester and the given bidder agree to abide by in the event that given bidder is a winning bidder; said term of agreement includes at least one of: lead time, labor rate, and contract length; and in the event a request to change non-price parameter is received and (2) an indication associated with unlocking said non-price parameter is not received prior to receiving the request, the requested change is not performed on the non-price parameter; and in the event (1) the request to changed the at least one non-price parameter is received and (2) the indication associated with unlocking at least one non-price parameter is received prior to receiving the request, the requested change is performed on the at least one non-price parameter; and using an auction server; using the auction server.

Takeshi teaches:

Said at least one non-price parameter (abstract); said at least one non-price parameter includes a term of agreement regarding supply of a good and/or service, other than quantity of the good and/or service, between the auction requester and a given bidder that the auction requester and the given bidder agree to abide by in the event that given bidder is a winning bidder (abstract).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add said at least one non-price parameter includes a term of agreement regarding supply of a good and/or service, other than quantity of the good and/or service, between the auction requester and a given bidder that the auction requester and the given bidder agree to abide by in the event that given bidder is a winning bidder feature to the method of Ausubel because Takeshi teaches that adding the feature helps to provide with the QOS request for specifying the bid price and the resources and the requesting the service, a price adjustment mechanism 4 for successively assigning the resources satisfied with the QOS request 3 in the descending order of the bid price for the plural QOS requests 3 received through a line and an execution means for executing a processing by using the assigned resources and returning the executed result.

Centner et al. further teaches: in the event a request to change is received and (2) an indication associated with unlocking said is not received prior to receiving the request, the requested change is not performed on the and in the event (1) the request to changed the is received and (2) the indication associated with unlocking said is received prior to receiving the request, the requested change is performed on (¶ 0051-0052); wherein said term of agreement includes at least one of: lead time (see abstract, page 6, [0051]), labor length (page 4, [0041]), and contract length (page 6, claim 3); using an auction server (abstract; ¶ 0016 and 0026); using the auction server (abstract; ¶ 0016 and 0026).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add in the event a request to change is received and (2) an indication associated with unlocking said is not received prior to receiving the request, the requested

change is not performed on the and in the event (1) the request to changed the is received and (2) the indication associated with unlocking said is received prior to receiving the request, the requested change is performed on, the lead time, using an auction server and using the auction server features of Centner et al. to the combined method of Ausubel and Takeshi because Centner et al. teaches that adding features helps to more efficiently submit bids, refine bids, and monitor competitive bids up until a buyer-specified RFQ deadline date and time (see page 1, [0014]).

4. As per claim 3, Ausubel, Centner and Takeshi teach the method of claim 1 described above. Ausubel further teaches the method wherein allowing each said bidder to place said respective bid includes performing the following in real-time:

displaying a data entry page on a corresponding bidder computer terminal accessible to respective one of said plurality of bidders, wherein said data entry page includes a data entry field for each of said plurality of bid parameters (see column 2, lines 61-67); and

allowing each said bidder to access said data entry page and place said respective bid for each of said plurality of bid parameters by entering said respective bid in said data entry field for corresponding bid parameter (column 3, lines 28-39).

5. As per claim 4, Ausubel, Centner and Takeshi teach the method of claim 3 described above. Ausubel further teaches wherein displaying said data entry page includes:

executing an auction software (see Figure 1a and column 5, lines 1-3, where "program is equivalent of "software") at a remote computer (see column 3, lines 33-35) connected to each said bidder computer terminal via a communication network (see column 5, lines 47-60),

wherein said auction software, upon execution, generates said data entry page (see column 2, lines 61-67); and

sending said data entry page generated upon execution of said auction software over said communication network to respective bidder computer terminals to be displayed thereon (see column 3, lines 33-40).

6. As per claim 5, Ausubel, Centner and Takeshi teach the method of claim 3 described above. Ausubel further teaches wherein said data entry page is displayed (see column 2, lines 61-67) by executing an auction software (see Figure 1a and column 5, lines 1-3, where “program is equivalent of “software”) resident on each said bidder computer terminal, wherein said auction software, upon execution, generates said data entry page (see column 3, lines 28-39).

7. As per claim 9, Ausubel, Centner and Takeshi teach the method of claim 1 described above. Ausubel further teaches a first computer terminal accessible to one of said plurality of bidders (see column 3, lines 28-32); and a second computer terminal accessible to said auction requester (see abstract and column 1, lines 34-40, where “buyer” is equivalent of “auction requester”), wherein said bid graph graphically depicts information about at least two bids placed by each of said one of said plurality of bidders and at least one other bidder from the remainder of said plurality of bidders (see column 8, lines 2-14, where “demand curve” is equivalent of “bid graph”), at least one of said at least two bids is for a non-price parameter (see column 4, lines 21-29).

8. As per claim 11, Ausubel, Centner and Takeshi teach the method of claim 1 described above. Ausubel further teaches the feature of preventing each bid initially placed for corresponding non-price parameter from being unintentionally modified thereafter during said

auction (see column 3, lines 17-27); and crediting, as a default, any non-initial bid entry by each said bidder to said price parameter only (see column 7, lines 47-67).

9. As per claim 12, Ausubel, Centner and Takeshi teach the method of claim 1 described above. Ausubel further teaches the feature of allowing said auction requester to establish said plurality of bid parameters for said lot (see column 1, lines 34-40 and column 4, lines 21-29).

10.

21. Claims 2 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ausubel, U.S. Patent Number: 6,026,383, in view of Takeshi: Patent Number: JP 408079240 A, in view of Centner, US Publication Number.: 2002/0007324 A1, further in view of Parunak et al., U.S. Pub. Number: 2002/0013631 A1.

22. As per claim 2, Ausubel, Takeshi and Centner teach the method of claim 1 described above.

Parunak et al. further teaches for each said bidder, generating a total bid for said lot by combining all bids placed by each said bidder, wherein said total bid equals in value to the bid for said price parameter placed by the corresponding bidder (see page 9, paragraphs [0125]-[0127]).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add the feature of generating a total bid to the method of Ausubel because Ausubel teaches that adding the feature of generating a total bid helps to maximize the allocative efficiency of the auction outcome (see column 2, lines 23-25 of Ausubel).



23. As per claim 6, Ausubel, Takeshi, Centner and Parunak teach the method of claim 2 described above.

Ausubel further teaches wherein generating said total bid for each said bidder includes performing the following in real-time for each said bidder:

multiplying each bid received for a corresponding non-price parameter by zero and aggregating all zero-multiplied bids, thereby generating a null value; and combining said null value with said respective bid for said price parameter to generate said total bid, i.e. charged the highest bidder (see column 1, lines 5-52).

24. As per claim 7, Ausubel, Takeshi, Centner and Parunak teach the method of claim 2 described above. Ausubel further teaches making said total bid by each corresponding bidder available to said auction requester in real-time (column 2, lines 32-35 and column 4, lines 21-39).

29. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ausubel, U.S. Patent Number: 6,026,383, in view of Centner et al., U.S. Pub. Number: 2002/0007324 A1, further in view of Takeshi, Patent Number JP408079240A.

30. As per claim 10, Ausubel, Centner, and Takeshi teach method of claim 1 described above. Centner et al. further teaches wherein said at least one non-price parameter includes lead time (see abstract, page 6, [0051]); labor length (page 4, [0041]); and contract length (page 6, claim 3).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add the lead time feature of Centner et al. to the method of Ausubel because Centner et al. teaches that adding the non-price parameter lead time feature helps to

more efficiently submit bids, refine bids, and monitor competitive bids up until a buyer-specified RFQ deadline date and time (see page 1, [0014]).

33. Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ausubel, U.S. Patent Number: 6,026,383, in view of Popolo, Carl A., U.S. Pub. Number: US 5,715,402, further in view of Takeshi, Patent Number JP408079240A, further in view of Centner, US Publication Number: 2002/0007324 A1.

34. As per claim 8, Ausubel, Centner, and Takeshi teach the method of claim 1 described above. Ausubel further teaches wherein at least one of said at least two bids is for a non-price parameter (see column 4, lines 21-29).

Ausubel does not teaches the feature of making at least two bids placed by a first bidder from said plurality of bidders available in real-time to a second bidder from said plurality of bidders.

Popolo teaches the feature of making at least two bids placed by a first bidder from said plurality of bidders available in real-time to a second bidder from said plurality of bidders (see column 14, lines 50-54, column 15, lines 1-60 and column 16, lines 1-24).

It would have been obvious to one with ordinary skill in the art to add the feature of making at least two bids placed by a first bidder from said plurality of bidders available in real-time to a second bidder to the method of Ausubel, because Popolo teaches that bidders may require changing bids (see column 15, lines 24-27).

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARISSA LIU whose telephone number is (571)270-1370. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. L./  
Examiner, Art Unit 3694

/James P Trammell/

Art Unit: 3694

Supervisory Patent Examiner, Art Unit 3694